

BEFORE THE DIVISION OF MEDICAL QUALITY

BOARD OF MEDICAL QUALITY ASSURANCE

STATE OF CALIFORNIA

In the Matter of the Petition)
for Restoration of Revoked)
Certificate of)

Alan Stanley Green, M.D.)
Certificate No. G-15457)

ORDER GRANTING
PETITION FOR RESTORATION

N 11766

This matter was heard before a quorum of the Division of Medical Quality of the Board of Medical Quality Assurance on July 21, 1978, at San Francisco, California. The following members of the Division were present: Eugene C. Feldman, M.D., President; James P. Lockhart, M.D.; Barry Warshaw, M.D.; Margaret Castro; A. David Axelrad, M.D.; and Michael J. Carella, Ph.D.

Robert S. Kendall, Administrative Law Judge, Office of Administrative Hearings, State of California, presided.

The Board of Medical Quality Assurance was represented by Karen E. Scholer, Deputy Attorney General. Respondent was present and was represented by his attorney Spencer W. Strellis, 908 Latham Square Building, Oakland, CA 94612.

The Division has reviewed and considered all oral and documentary evidence introduced at the hearing; has evaluated petitioner's evidence of rehabilitation and weighed his reasons for petitioning for restoration of his certificate.

Accordingly, the Division makes the following findings of fact:

I

On April 7, 1970, the Certificate No. G-15457 of Alan S. Green, M.D., (respondent), to practice as a physician and surgeon in California was placed on probation to the Board of Medical Examiners for five (5) years under specific terms and conditions.

II

On April 29, 1975, after hearing on an accusation and petition alleging certain violations of his probation, and further violations of the laws of the State of California, including, but not limited to the prescribing of dangerous drugs and restricted substances without prior examination or any medical indication therefore; respondent's certificate to practice as a physician and surgeon in California was revoked on the accusation, as well as on the petition of the Board to terminate his prior probation.

III

On April 6, 1978, respondent filed with the Board of Medical Quality Assurance his petition for restoration of his revoked certificate.

IV

Respondent has satisfied the Division of Medical Quality that his Certificate No. G-15457 should be restored, and that he be permitted to practice thereunder, subject to certain terms and conditions.

DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Division of Medical Quality makes the following determination of the issues presented:

I

Cause for restoration of the Revoked Certificate has been established provided certain terms and conditions are thereon imposed in accordance with and pursuant to Section 2376.5, Business and Professions Code.

ORDER

The Certificate No. G-15457 of Alan Stanley Green, M.D., shall be restored, and respondent may practice thereunder, subject to the following terms and conditions:

a) Within 30 days of the effective date of this decision, respondent must submit to the Division for its prior approval the name and qualifications of a psychiatrist of his choice.

Within 60 days of the effective date of this decision, respondent must undergo a psychiatric examination by the approved psychiatrist who shall furnish a report to the Division determining whether respondent requires psychiatric treatment to practice medicine safely. Respondent must undergo treatment if so recommended. During the period of psychiatric treatment, respondent must have the approved psychiatrist furnish semi-annual progress reports to the Division.

b) Respondent shall remain on probation to the Division for ten (10) years;

c) Respondent shall restrict his practice solely and exclusively to the specialty of pathology during the term of his probation. Under no circumstances shall respondent undertake, as attending physician or in any capacity, the primary care of living patients in his practice, except in bona fide life-threatening emergency situations when no other physician is available.

d) Respondent shall not apply for a Drug Enforcement Agency controlled substance registration during his probationary period.

e) Should respondent during his probationary period

apply for a certificate to practice medicine in any state other than California, he shall make full disclosure of this probationary order by providing a copy to such licensing authority, and shall advise the Division of Medical Quality in writing of his compliance thereto.

Respondent shall also, at the time of submission of any application seeking the privilege to practice medicine elsewhere than in California, simultaneously provide full and complete copies of any such applications made to the Division of Medical Quality.

f) Should respondent become licensed to practice medicine elsewhere than in California, he shall keep the Division of Medical Quality advised promptly, in writing, of any admonitory or disciplinary action, matter, inquiry or hearing initiated by the licensing authority in connection with any such license or certificate held by him, and shall, in connection with such matters, return to California to appear before the Division of Medical Quality, if such request be made of him by the Division.

g) Respondent must abstain completely from the use of alcohol and barbiturates. Respondent must report in writing at once to the Division should he be arrested, and/or convicted, and/or charged with any criminal offense involving the use of alcohol.

h) Respondent shall abstain completely from the personal use of controlled substances and dangerous drugs except those prescribed, administered or dispensed to him by another physician for a bona fide illness or condition. Respondent must report in writing at once to the Division should he be arrested, and/or convicted, and/or charged with any criminal offense wherein it is alleged by the arresting authority controlled substances, narcotics or dangerous drugs were involved in any manner.

i) Respondent must comply immediately and fully with requests for the Division's designee to submit to biological fluid testing.

j) Respondent must obey all federal, state and local laws relating to the practice of medicine, and all statutes and rules governing the practice of medicine in California.

k) Respondent must submit quarterly declarations, under penalty of perjury, on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

l) Respondent must comply with the Division's probation surveillance program.

m) Respondent must appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

n) In the event respondent should leave California to reside or to practice outside the State, respondent must notify the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period unless the Division shall so decide if a petition be addressed to it not sooner than three years hence.

o) If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may reimpose the revocation of respondent's certificate.

p) Upon successful completion of probation, respondent's certificate will be fully restored.

DATED: September 8, 1978

EFFECTIVE: October 9, 1978


MICHAEL JEROME CARELLA, Ph.D.